

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90628 of 2025

Arising Out of PS. Case No.-521 Year-2016 Thana- BIHAR District- Nalanda

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Anubhav Yadav @ Anubhav Kumar Son of Sri Jatindar Yadav Resident of
Village - Bangaccha, Police Station - Telmar (Harnaut), District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ Son of XXX Resident of village - Muraura Dih, Police Station - Biharsharif, District - Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Sharma, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 20-04-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bihar P.S. Case No. 521 of 2016 registered for the
offence(s) punishable under Sections 366(A)/34 of the Indian
Penal Code.

3. As per the allegation made in the FIR, the
petitioner has kidnapped the daughter of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. It is further submitted that
on the date of the alleged occurrence, the petitioner was a



juvenile, being below 16 years of age, and has raised the issue of juvenility by filing an I.A. No.1/2025. In this regard, learned counsel has relied upon the judgment of the cases of *Ashwani Kumar Saxena Vs. State of M.P.* reported in (2012) 9 SCC 750, *Jarnail Singh Vs. State of Haryana* reported in (2013) 7 SCC 263, *Abuzar Hossain @ Gulam Hossal Vs. State of West Bengal* reported in (2012) 10 SCC 489, X 7 Vs. State of Bihar, reported in 2021(4) BLJ 511 and *Saurav Kumar Vs. State of Bihar* reported in 2020(6) BLJ 628, XX Vs. State of Bihar reported in 2020(4) BLJ 414 and *Shivendra Kumar @ Shailendra Vs. State of Rajasthan (Cr. Rev. Petition No.300 of 2017)*.

5. It has been specifically urged on behalf of the petitioner that on the date of the alleged occurrence, he was below 18 years of age and, therefore, entitled to be treated as a juvenile in conflict with law. In this regard, an interlocutory application has also been filed raising the said plea. The question of juvenility is a mixed question of fact and law, which requires proper adjudication on the basis of cogent and reliable evidence, including documents relating to the date of birth of the petitioner, in accordance with the procedure prescribed under the Juvenile Justice (Care and Protection of Children) Act



and the Rules framed thereunder. Since such an exercise cannot be appropriately undertaken at this stage, the petitioner is granted liberty to raise the issue of juvenility before the learned District Court, which shall consider and decide the same in accordance with law, after affording due opportunity of hearing to the parties and upon proper verification of the relevant records.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the victim, in her statements recorded under Sections 161 and 164 Cr.P.C., has supported the allegations made in the FIR. It has further been noted in the impugned order that the accused persons allegedly kept the victim confined for two months and threatened to make her video viral. Upon medical examination, her pregnancy test was found positive and, as such, the petitioner don't deserve to be released on pre-arrest bail.

7. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the FIR, and considering the fact that the victim has supported the allegations in her statements made under Sections 161 and 164 Cr.P.C and her pregnancy test has also been found positive, I am not inclined to grant pre-arrest bail to the petitioner.



8. Accordingly, the present bail application and the
interlocutory application stand disposed of.

(Purnendu Singh, J)

Sanjay/-

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